

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND VIRGINIA**

DOCKET NO. 08-35653 : **BANKRUPTCY COURT FOR THE**
DAVID MARCINISZYN : **EASTERN DISTRICT OF VIRGINIA**
PLAINTIFF : **RICHMOND VIRGINIA**

V.

CIRCUIT CITY CORP ET AL : **FEBRUARY 23, 2009**
(aka CIRCUIT CITY STORES ET AL)
DEFENDANT

:

MOTION TO SATISFY JUDGMENT FROM PROCEEDS OF LIQUIDATION

David Marciniszyn, hereinafter referred to as the "Plaintiff", is a natural born U.S. citizen adult over the age of 18, residing at 633 Willow Street, Waterbury, Connecticut, New Haven County, hereby Motions this court to satisfy the executable judgment Plaintiff has against Circuit City Corp., hereinafter referred to as the "Defendant" and having filed a bankruptcy claim with this court previously, docket number referenced above. The facts are set forth below:

1. Plaintiff possess an executable judgment against the Defendant and asks this court to order the Defendant to satisfy the judgment, see Exhibit 1.
2. The judgment is neither a secured nor unsecured debt. It is a judgment for a certain sum of money, issued by the Court of Common Pleas of Pennsylvania, a Commonwealth Court.
3. The judgment was lawfully issued on June 7, 1994.
4. The judgment has never been satisfied.
5. The judgment is in the amount of \$2,232.11 plus interest.
6. The judgment supersedes all other debtor obligations to any creditor and all other creditors' claims.
7. Plaintiff was never notified by the Defendant at the time of filing of bankruptcy that the Defendant had filed bankruptcy.

WHEREFORE Plaintiff seeks justice and equity and prays this court will grant the foregoing motion.

THE PLAINTIFF

BY 

David Marciniszyn
Pro se for the Plaintiff
633 Willow Street
Waterbury, CT 06710
(203) 982-0050

ORDER

The foregoing MOTION having been considered, is hereby ORDERED:

GRANTED/DENIED

BY THE COURT

JUDGE / CLERK

CERTIFICATION

This is to certify that a copy of the foregoing has been mailed, postage prepaid, by first class mail on February 23, 2009, to the following:

Circuit City Corp.
9950 Maryland Drive
Richmond VA 23233

and

Greg M. Galardi, Esq.
Ian S. Fredericks, Esq.
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM, LLP
One Rodney Square
PO Box 636
Wilmington, Delaware 19899

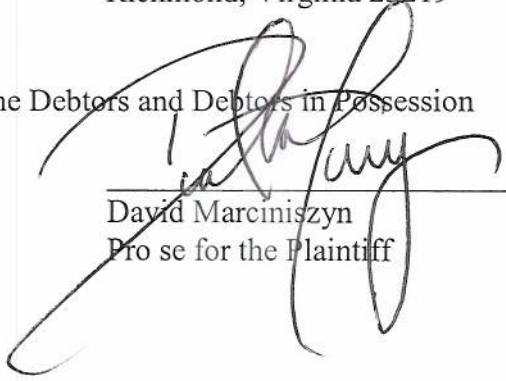
and

Chris L. Dickerson, Esq.
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM, LLP
333 West Wacker Drive
Chicago, Illinois 60606

and

Dion W. Hayes
Douglas M. Foley
MCGUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, Virginia 23219

Counsel to the Debtors and Debtors in Possession



David Marciniszyn
Pro se for the Plaintiff

COURT OF COMMON PLEAS OF CHESTER COUNTY, PA

FILED
**NOTICE OF ENTRY
OF JUDGMENT, ORDER OR DECREE**

DAVID MARCINISZYN Plaintiff/s)
408 WEST 2nd AVE)
PARKESBURG, Pa. 19365)
vs.)

Case No. 94-00316

CIRCUIT CITY CORP. OFFICE)
P.O. Box 85045 Defendant/s)
LOUISVILLE, KY 40285-5045)

Docket No. _____ Page _____

Pursuant to requirements of Pennsylvania Civil Procedural Rule #236, you are notified that there was entered in this office today, in the above captioned case.

- ☐ Judgment of \$_____ for Plaintiff/s and against Defendant/s
- ☐ Judgment for Defendant/s and against Plaintiff/s
- ☐ Judgment by Court Order
- ☐ Judgment of Non-Pros
- ☒ Judgment by Default

Dated

6/17/94

LIZ RICKARD Dep
PROTHONOTARY

reasonable opening filed

Explain

notorious defense

Link & Insurance Co.

594 AL 2nd 345

1991 Superior Ct

344-6300

4

Form No. 20—Praecipe for Judgment

In the Court of Common Pleas of Chester County, Pa.

94 JUN -7 AM 8:33

PLAINTIFF

DAVID MARCINISZYN

408 WEST 2nd AVE

PARKESBURG, Pa. 19365

DEFENDANT

CIRCUIT CITY CORP. OFFICE

P.O. Box 85045

LOUISVILLE, KY. 40285-5045

Of _____ term _____ 19 ____ No. _____

See Appearance Docket No. 94-00316

page _____

The Prothonotary will please enter Judgment in the above case by Default for want of \$2,232.11;
STEREO \$1,243.63, DECISION REVERSED FROM LOWER COURT IN MY FAVOR \$699.07,
COURT COSTS: DISTRICT LEVEL \$46.08, COMMON PLEAS \$64.25, CERT MAILING FEES \$9.08
ATTORNEY FEES \$170.00 against the Defendant and assess the damages as per statement below
(MISS BUCHANAN - MR MOYER)
David Marcinyszyn Attorney for Plaintiff

I hereby certify that written notice of the intention to file this Praecipe was mailed or delivered to the party against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least ten days prior to the date of the filing of this Praecipe. A copy of said notice is attached hereto.

To

Prothonotary

Attorney for Plaintiff

AND NOW _____ 19 __, Judgment entered in favor of the Plaintiff and against the Defendant by default for want of _____

and damages assessed at the sum of Two thousand dollar two hundred thirty-two dollars and eleven cents

Dollars (\$ 2,232.11), as per above statement.

100

Liz Rickard

Prothonotary

0074584

RECEIPT
PROTHONOTARY'S OFFICE
WEST CHESTER
CHESTER COUNTY, PENNSYLVANIA

NO. 94-00316 THRU
PLAINTIFF MARCINISZYN DAVID
DEFENDANT CIRCUIT CITY CORP OFFICE
FILED BY MARCINISZYN

DATE 06/07/94

TYPE OF TRANSACTION

01 JUDGMENT - DEFAULT 9.00

REMARKS

STATE TAX OR FEE 0.00
TOTAL 9.00

0.00 CHECK #
9.00 CASH
CHARGE
POA

43
CLERK

JAN 28 1994

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS

JUDICIAL DISTRICT

FROM

DISTRICT JUSTICE JUDGMENT

COMMON PLEAS No.

94-00314

NOTICE OF APPEAL

Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the District Justice on the date and in the case mentioned below.

NAME OF APPELLANT DAVID MARLINISZYN		MAG. DIST. NO. OR NAME OF D.J. 15-3-07	
ADDRESS OF APPELLANT 408 WEST 2ND AVE PARKERSBURG		CITY P6	STATE 1935
DATE OF JUDGMENT 12/15/93	IN THE CASE OF (Plaintiff) DAVID MARLINISZYN VS CIRCUIT CITY CORP FEE (Defendant)		
CLAIM NO. CV TA 19 0000320-93 LT 19	SIGNATURE OF APPELLANT OR HIS ATTORNEY OR AGENT David Marliniszyn		

This block will be signed ONLY when this notation is required under Pa. R.C.P.J.P. No. 1008B.

This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the judgment for possession in this case.

Signature of Prothonotary or Deputy.

If appellant was Claimant (see Pa. R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

(This section of form to be used ONLY when appellant was DEFENDANT (see Pa. R.C.P.J.P. No. 1001(7) in action before District Justice. IF NOT USED, detach from copy of notice of appeal to be served upon appellee).

PRAECIPE: To Prothonotary

Enter rule upon _____, appellee(s), to file a complaint in this appeal
Name of appellee(s)

(Common Pleas No. _____) within twenty (20) days after service of rule or suffer entry of judgment of non pros.

Signature of appellant or his attorney or agent

RULE: To _____, appellee(s)
Name of appellee(s)

(1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.

(2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule if service was by mail is the date of mailing.

Date: 1/13/1994

Signature of Prothonotary or Deputy

FILED

94 FEB -2 PM 3:35

OFFICE OF THE
PROTHONOTARY
CHESTER CO. PA.

FILED

94 FEB -2 PM 3:28

OFFICE OF THE
PROTHONOTARY
CHESTER CO. PA.

PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service MUST BE FILED WITHIN FIVE (5) DAYS AFTER filing the notice of appeal. Check applicable boxes)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CHESTER ; ss

AFFIDAVIT: I hereby swear or affirm that I served

☒ a copy of the Notice of Appeal, Common Pleas No. 94-00316, upon the District Justice designated therein on
(date of service) January 19, 19 94, ☐ by personal service ☒ by (certified) (registered) mail, sender's
receipt attached hereto, and upon the appellee, (name) CIRCUIT CITY CORPORATE OFFICE on
January 19, 19 94 ☐ by personal service ☒ by (certified) (registered) mail, sender's receipt attached hereto.

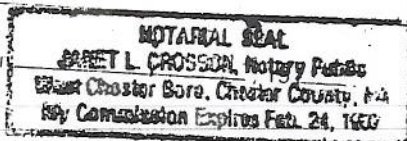
☐ and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to
whom the Rule was addressed on _____, 19____, ☐ by personal service ☐ by (certified) (registered)
mail, sender's receipt attached hereto.

WORN (AFFIRMED) AND SUBSCRIBED BEFORE ME
this 2nd DAY OF February, 1994.

Jane L. Crosson
Signature of official before whom affidavit was made

David G. Mauer
Signature of affiant

Not a Notary Public
commission expires on



0062899

RECEIPT
PROTHONOTARY'S OFFICE
WEST CHESTER
CHESTER COUNTY, PENNSYLVANIA

NO. 94-00316 THRU
PLAINTIFF DAVID MARCINISZYN
DEFENDANT CIRCUIT CITY
FILED BY DAVID

DATE 01/13/94

TYPE OF TRANSACTION

01	APPEAL - DISTRICT JUSTICE	50.00
01	J.C.P.	5.00

REMARKS

STATE TAX OR FEE	0.25
TOTAL	55.25

0.00	CHECK #
55.25	CASH
	CHARGE
	POA

CCMR

CLERK